

REMARKS

Applicants acknowledge their election of claims 1-55, drawn to a touch fastener product, and cancel withdrawn claims 56-78.

Claim 8 has been amended to remove terms written in parenthesis.

Claims 1-3, 11, 12, 17, 31-33, 41 and 42 have been rejected as anticipated by Kennedy et al. (US 5,260,015; "Kennedy") Applicants respectfully traverse.

Both independent claims 1 and 31 recite that the reinforcing fabric includes "float filament sections extending generally along an outer surface of a back side of the fastener component, such sections connected to the back side of the fastener component only at their ends, and otherwise lying against the back side of the fastener component." The application, as a whole, explains how having the float sections, positioned as recited in both claims, particularly aid in base reinforcement. The term "float" is a technical term known in the textile industry. See, e.g., the discussion beginning at page 7, line 14 of the Application. Such a textile structure is not disclosed in Kennedy, who with respect to his cited Fig. 5 says that the fabric is a non-woven material (and thus clearly not having float sections as understood in the art), and with respect to his cited Fig. 8 says that the backing layer is a "loop side of a hook and loop fastener" but does not otherwise characterize the backing layer.

None of the examples of fastener laminates cited in Kennedy features such float sections, nor anticipates the mode in which such float sections improve strength. Rather, Kennedy says of the backing layer of his Fig. 8 example that the backing layer has pores into which resin is forced to encapsulate some of the yarns of the backing layer, but Kennedy is otherwise silent as to the structure of the backing layer and certainly does not fairly disclose float sections lying against the back side of the fastener component or extending along an exposed surface of the laminate. Kennedy includes in his Fig. 6 a fastener product in which "an open, woven, textile reinforcing scrim 25 has been added to the nip ... with a slight overfeed" such that "plastic has encapsulated large sections of the fabric scrim 25 yet sections of the fabric come to the surface 26 of the fastener." (Kennedy 6:15-25) Such an undulating woven scrim, with large regions in which the

back side of the scrim is shown fully encapsulated, and other regions in which even the scrim side facing the resin is shown extending fully above the resin surface, is said to "add strength to the plastic tape," but does not represent Applicant's claimed structure, nor even suggests the mode of strengthening obtained by the claimed structure.

Claims 4-10, 13-16, 18-29, 34-40 and 43-54 have been rejected as obvious over Kennedy. The Examiner has concluded that none of the features recited in these dependent claims would have been non-obvious in combination with the base claims, given her understanding of the disclosure of the Kennedy reference. Applicants respectfully traverse and offer the following remarks.

It is presumed that this obviousness rejection is based upon the misunderstanding, discussed above, that Kennedy discloses the float filament arrangement recited in base claims 1-31. Applicants therefore request reconsideration of this obviousness determination, submitting that these claims are allowable at least as depending from allowable base claims. With respect to the patentability of base claims 1 and 31, Applicants note that the arrangement of float filament sections, as connected only at their ends and otherwise lying against the back side of the fastener component, provides particular advantage for resisting tearing of the fastener base, by a reinforcement mechanism not provided by extending loops or fully embedded filaments. See, e.g., the paragraphs beginning at page 7, line 25, at page 11, line 12, and at page 12, line 28, of the Application. Thus, Applicants submit that their novel fastener structure is also non-obvious.

Regarding the features recited in the rejected dependent claims, Applicants also note, for the record, that many of these features provide particular advantage in combination with the features of the base claims, and respectfully traverse the conclusory statement that it would have been obvious at the time of the invention to have provided such features in the claimed reinforced fastener product. Such features are not merely aesthetic "changes in shape" as in In re Dailey, nor do they all represent mere design choice, as they clearly relate to the performance of the claimed structure and are not mere optimizations. And although the Applicants concur with the Examiner's Official Notice that knit fabrics are commonly made with multifilament yarns,

they do not concur that such yarns necessarily have the other characteristics recited by the Examiner in the paragraphs beginning at the top of page 7 of the office action.

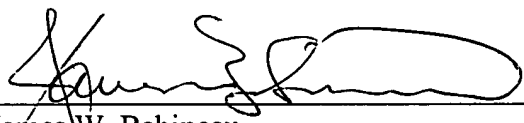
Applicants note with thanks the allowability of claims 30 and 55, but respectfully decline to limit the broadest claims to such features, maintaining that all of their pending claims are patentable over the cited prior art.

Should the Examiner not be familiar with the technical term "float" as used in the textile industry, or otherwise feel that further explanation would be helpful to advance meaningful examination, the undersigned respectfully requests the courtesy of a telephone call to resolve any remaining issues.

No fees are believed due. Please apply any charges or credits to deposit account 06-1050, referencing the above attorney docket number.

Respectfully submitted,

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